

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

11/6/17

United States of America	)	
v.	)	
Rogelio Perez-Bahena,	)	Case No. 17-7-557 MJ
a.k.a.: Rogelio Bahena-Perez,	)	
(A078 265 218)	)	
<u>Defendant</u>	)	

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of November 6, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

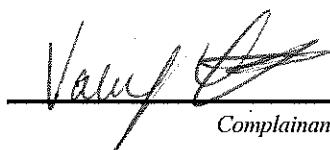
Rogelio Perez-Bahena, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about November 10, 2000, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated By Reference Herein***CEB*

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Margaret Perlmetter

Continued on the attached sheet.



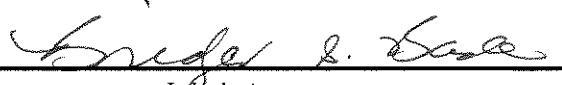
Complainant's signature

Valery Lozano,  
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: November 7, 2017



Judge's signature

City and state: Phoenix, Arizona

Bridget S. Bade,  
United States Magistrate Judge

Printed name and title

**STATEMENT OF PROBABLE CAUSE**

I, Valery Lozano, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On November 6, 2017, Rogelio Perez-Bahena was arrested by the Department of Public Safety (DPS) and booked into the Maricopa County Jail (MCJ) on local charges. While incarcerated at the MCJ, Perez-Bahena was examined by ICE Officer Madill who determined Perez-Bahena to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On November 6, 2017, Perez-Bahena was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Perez-Bahena was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Rogelio Perez-Bahena to be a citizen of Mexico and a previously deported criminal alien. Perez-Bahena was removed from the United States to Mexico through Nogales, Arizona, on or about November 10, 2000, pursuant to an order of removal issued by an immigration judge. There is no record of

Perez-Bahena in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Perez-Bahena's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Rogelio Perez-Bahena was convicted of Aggravated Driving Under the Influence of Intoxicating Liquor, a felony offense, on June 6, 2000, in Superior Court of Arizona, Maricopa County. Perez-Bahena was sentenced to eight (8) months' incarceration and four (4) years' probation. Perez-Bahena's criminal history was matched to him by electronic fingerprint comparison.
5. On November 6, 2017, Rogelio Perez-Bahena was advised of his constitutional rights. Perez-Bahena freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about November 6, 2017, Rogelio Perez-Bahena, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about November 10, 2000, and not having obtained the express consent of the Secretary of the Department of Homeland Security to

reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



Valery Lozano,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 7<sup>th</sup> day of November, 2017.



Bridget S. Bade,  
United States Magistrate Judge